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**GERARDO CABANILLAS.**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

GERARDO CABANILLAS,

Plaintiff,

v.

CITY OF SOUTH GATE et al.

Defendants.

Case No.: 2:24-cv-08027-ODW-BFM

**APPLICATION TO COURT FOR  
ENTRY OF DEFAULT**

Under Federal Rule of Civil Procedure 55(a) and L.R. 55-1, Plaintiff Gerardo Cabanillas applies to the court for entry of default judgment against Defendants City of South Gate, City of Huntington Park, Lee Jack Alirez, Officer Reyes, Detective Lopez, Cosme Lozano, Officer Ayestas, Sergeant Sullivan, and Officer Salcido. In support of this application, Plaintiff submits the concurrently filed Declaration of Alison R. Leff and states as follows:

1           1.     Plaintiff filed this lawsuit on September 19, 2024, naming as  
2 defendants the City of South Gate, the City of Huntington Park, and several  
3 current and former employees of those municipalities. ECF No. 1.

4           2.     Plaintiff served summons and a copy of the complaint on Defendant  
5 City of South Gate and City of Huntington Park on October 7, 2024. ECF No. 49  
6 (South Gate); ECF No. 44 (Huntington Park).

7           3.     Plaintiff served summons and a copy of the complaint on Defendants  
8 Lee Jack Alirez, Officer Reyes, Detective Lopez, Cosme Lozano, Officer Ayestas,  
9 Sergeant Sullivan, and Officer Salcido on October 9, 2024. ECF No. 48 (Alirez);  
10 ECF No. 47 (Reyes); ECF No. 45 (Lopez); ECF No. 43 (Lozano); ECF No. 42  
11 (Ayestas); ECF No. 41 (Sullivan); ECF No. 40 (Salcido).

12          4.     Each defendants' answer was due 21 days after service. Fed. R. Civ.  
13 P. 12(a)(1)(A)(i).

14          5.     The date for these Defendants' answer to the complaint has passed,  
15 yet none of the defendants has answered, otherwise pled, sought an extension, or  
16 even communicated with Plaintiff. Leff Decl. ¶ 9.

17          6.     “When a party against whom a judgment for affirmative relief is  
18 sought has failed to plead or otherwise defend, and that failure is shown by  
19 affidavit or otherwise, the clerk must enter the party's default.” Fed. R. Civ. P.  
20 55(a).

21          7.     Here, Defendants City of South Gate, City of Huntington Park,  
22 Alirez, Reyes, Lopez, Lozano, Ayestas, Sullivan, and Salcido have failed to plead  
23 or otherwise defend. Leff Decl. ¶¶ 9–10.

24          8.     These Defendants are therefore in default, and Plaintiff requests that  
25 the court enter a default for each of them.  
26  
27  
28

1 Dated: November 1, 2024

Respectfully submitted,

2 **LOEVY & LOEVY**

3 **SCHONBRUN SEPLOW HARRIS**  
4 **HOFFMAN & ZELDES, LLP**

5  
6 By: /s/ Alison R. Leff  
7 Alison R. Leff

8 *Attorney for Plaintiff,*  
9 *GERARDO CABANILLAS.*